

WHAT ARE MY RIGHTS IF I AM DETAINED FOR SHOPLIFTING?

Being detained in your favorite store for shoplifting can have significant consequences. If you are a suspected shoplifter, mall security will often try to coerce you into signing a statement admitting guilt. They may threaten to call police if you do not sign this piece of paper or they may try to force you to pay restitution. Sometimes, things get out of hand. If you are ever detained for shoplifting, you have rights you should know about.

When can I be Detained?

First, you should know what kind of information store employees need to have before they can legally detain you. Employees or witnesses must establish probable cause to suspect you of shoplifting. This means that they need to physically see you taking the merchandise off the racks and attempt to conceal it. Usually, they will wait to see if you walk toward the exit or leave the store without stopping at the point of sale before taking action.

In some jurisdictions, you cannot be approached until you have left the store's perimeters. In others, simply concealing store property is sufficient evidence to be arrested and charged with theft. Across the board, security must have probable cause to keep you until the police come.

You should know that if you are approached by security, their authority is highly restricted. They cannot legally force you to be stuck in a room without allowing you to leave. They may prevent you from leaving the premises or keep a close eye on you if they until the police arrive if they have probable cause to believe you have attempted to steal merchandise.

If store merchandise is discovered on you by store security or police, you could be arrested and charged with theft. At this point, you retain the right to avoid self-incrimination and can contact a shoplifting attorney in West Palm Beach if you have not already done so.

What Should I Do if I am Detained?

Not all stores choose to prosecute shoplifters. For those that do, if the store has recovered concealed merchandise from you and retains security footage of you shoplifting, you will likely be arrested and charged with theft. This can lead to serious penalties depending on the value of the merchandise stolen. In Florida, you face felony charges for stealing property valued at \$300 or more.

To ensure that the situation does not escalate, cooperate as best you can with store employees, security, and police, but do not admit to any action. You are protected by the Fifth Amendment.

Do call a criminal defense attorney to defend your shoplifting charges in Palm Beach County. Attorney Brian Gabriel has over 25 years of experience defending felony and misdemeanor charges throughout South Florida. Call 561-622-5575 or contact The Law Office of Gabriel & Gabriel online to schedule a free consultation.

